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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,604	01/23/2002	David M. McMahan	1174/81/4 DIV	9135
7590 03/22/2005 KEITH E. GEORGE, ESQ. MCDERMOTT, WILL, & EMERY 600 13TH STREET. N.W. WASHINGTON, DC 20005-3096			EXAMINER PESIN, BORIS M	
			ART UNIT 2174	PAPER NUMBER

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/055,604

Applicant(s)

MCMAHAN, DAVID M.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-19 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

This communication is responsive to Amendment A, filed 11/01/2004.

Claims 14-19 and 33-36 are pending in this application. Claims 14, 18, and 33 are independent claims. In the Amendment A, Claims 14 and 18 were amended and claims 33-36 were added as new. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14 -19 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karis (US 5521844) in view of Rothschild et al. (US 5946661).

In regards to claim 14, Karis teaches a method comprising: (a) displaying, on the display, a first window including parameter descriptions for mail or paper processing parameter values produced from analysis of time-tagged data, and including status information indicating the results of comparing the parameter values to reference values (Figure 14); (c) displaying, on the display, a third window including a graph of measured values for the selected parameter description (Figure 15); and (d) receiving input from a user for selecting the parameter description (i.e. "FIG. 15 is a graph that may be selected during the monitor routine, the graph illustrating the tension history obtained for a particular roll from the start of the roll on the press." Column 9, Line 65). Karis does not teach (b) displaying, on the display, a second window including a table of statistical measures for a selected parameter description produced from analysis of time-tagged data in the first window. However, Karis already graphs the data, but does not display the data in a table format. It is inherent in Karis that this data exists, because a graph from the data is drawn. Rothschild teaches that you can have a window including a table of statistical measures for a selected parameter (Figure 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karis with the teachings of Rothschild and include a table for the selected parameter with the motivation to provide the user with more detailed information about the selected parameter.

In regards to claim 15, Karis teaches a method wherein a graph is a histogram of measured values for the selected parameter description (Figure 15).

In regards to claim 16, Karis teaches a method wherein the graph is a histogram of measured values and reference values for the selected parameter description. (i.e. "The points in the graph above the recommended tension values appear in red, for example; whereas, the points of the graph within the recommended tension ranges will have the same color as the color of the bar 186 of FIG. 14. Measured tension values that are below the recommended levels will appear in FIG. 15 in the same color as the bar 188 of FIG. 14. The tension graphs of FIGS. 14 and 15 provide the operator with readily understandable information relating to a large amount of data." Column 9, Line 58).

In regards to claim 17, Karis teaches a method comprising receiving input from the user for printing a report including the statistical measures for the selected parameter description (i.e. "The master station 12 may be a microprocessor 14 based station, such as a personal computer or the like, that includes a keyboard 16 and a bar code reader 18 for inputting information and a display 20 and printer 22 for outputting information." Column 3, Line 62).

In regards to claim 18, Karis teaches a method comprising: (a) displaying, on the display, a first window including parameter descriptions for mail or paper processing values produced from analysis of time-tagged data, and including status information indicating results of comparing the parameter values to reference values (Figure 14) and; (c) displaying, on the display, a third window including a graph of measured values

for the selected parameter description (Figure 15); and (d) receiving input from the user for selecting the parameter description, and in response to receiving the input from the user, displaying, in the second window, a table of statistical measures for the selected parameter description and displaying, in the third window, a graph of measured values for the selected parameter description (i.e. "FIG. 15 is a graph that may be selected during the monitor routine, the graph illustrating the tension history obtained for a particular roll from the start of the roll on the press." Column 9, Line 65). Karis does not teach displaying, on the display, a second window including a table of statistical measures for a selected parameter description produced from analysis of time-tagged data in the first window. However, Karis already graphs the data, but does not display the data in a table format. It is inherent in Karis that this data exists, because a graph from the data is drawn. Rothschild teaches that you can have a window including a table of statistical measures for a selected parameter (Figure 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karis with the teachings of Rothschild and include a table for the selected parameter with the motivation to provide the user with more detailed information about the selected parameter.

In regards to claim 19, Karis teaches simultaneously displaying, in the second window, reference statistical values for the selected parameter description and statistical measures for the selected parameter description (i.e. "The points in the graph above the recommended tension values appear in red, for example; whereas, the points of the graph within the recommended tension ranges will have the same color as the

color of the bar 186 of FIG. 14. Measured tension values that are below the recommended levels will appear in FIG. 15 in the same color as the bar 188 of FIG. 14. The tension graphs of FIGS. 14 and 15 provide the operator with readily understandable information relating to a large amount of data." Column 9, Line 58).

In regards to claim 33, Karis teaches in a computer system having a graphical user interface including a display and a user input device, a method for displaying statistical measures for selected parameter values produced from analysis of time-tagged data from an industrial processing system, the method comprising: (a) displaying, on the display, a first window including parameter descriptions for industrial processing parameter values produced from analysis of time-tagged data, and including status information indicating results of comparing the parameter values to reference values (Figure 14). Karis does not teach displaying, on the display, a second window including a table of statistical measures for a selected parameter description produced from analysis of time-tagged data in the first window. However, Karis already graphs the data, but does not display the data in a table format. It is inherent in Karis that this data exists, because a graph from the data is drawn. Rothschild teaches that you can have a window including a table of statistical measures for a selected parameter (Figure 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karis with the teachings of Rothschild and include a table for the selected parameter with the motivation to provide the user with more detailed information about the selected parameter.

In regards to claim 34, Karis and Rothschild teach all the limitations of claim 33. Karis further teaches a method comprising receiving input from a user for selecting the parameter description (i.e. "FIG. 15 is a graph that may be selected during the monitor routine, the graph illustrating the tension history obtained for a particular roll from the start of the roll on the press." Column 9, Line 65).

In regards to claim 35, Karis and Rothschild teach all the limitations of claim 34. Karis further teaches a method comprising displaying, on the display, a third window including a graph of measured values for the selected parameter description (Figure 15).

In regards to claim 36, Karis and Rothschild teach all the limitations of claim 34. Karis further teaches a method comprising displaying, on the display, a third window including a graph of measured values for the selected parameter description (Figure 15). Karis does not teach displaying, on the display, a second window including a table of statistical measures for a selected parameter description. However, Karis already graphs the data, but does not display the data in a table format. It is inherent in Karis that this data exists, because a graph from the data is drawn. Rothschild teaches that you can have a window including a table of statistical measures for a selected parameter (Figure 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karis with the teachings of Rothschild and include a table for the selected parameter with the motivation to provide the user with more detailed information about the selected parameter.



### ***Response to Arguments***

Applicant's arguments filed 11/01/2004 have been fully considered but they are not persuasive.

Applicant argues that, "Nowhere does Karis disclose a feature of displaying parameter descriptions for mail or processing parameter values produced from analysis of time-tagged data." The Examiner disagrees with the Applicants assertion. Karis teaches, "whereas a bar 190 colored, for example red, and distinguishable from the bar 186, illustrates excursions into tension levels in excess of the highest tension levels recommended by the system so as to advise the operator as to potential problems." (Column 9, Line 51). The bar, 190, is time-tagged data because it was recorded previously to show that the tension level went higher than it was supposed to.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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